

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Case No. CR-03-00169 CRB (JCS)

Plaintiff(s),

ORDER GRANTING THE UNITED STATES' MOTION TO WITHDRAW FROM THE PLEA AGREEMENT [Docket No. 167] AND DENYING DEFENDANT'S ORAL MOTION TO ENFORCE THE PLEA AGREEMENT, ENTER JUDGMENT, AND DISMISS ANY REMAINING COUNTS

v.

DENNIS ALEXIO,

Defendant(s).

On August 11, 2006, the United States filed a Motion To Withdraw From the Plea Agreement (the "Motion to Withdraw") and on February 2, 2007, Defendant made an Oral Motion to Enforce the Plea Agreement, Enter Judgment, and Dismiss Any Remaining Counts (the "Motion to Enforce").

On April 27, 2007, at 10:30 a.m., the Motion to Withdraw, and the Motion to Enforce came on for hearing. Tim Lucey, counsel for the United States, was present. Michael Stepanian, counsel for Defendant, was present. Dennis Alexio, Defendant, was not present.

For reasons stated on the record,

IT IS HEREBY ORDERED THAT the Motion to Withdraw is GRANTED, and Defendant's Motion to Enforce is DENIED. The United States is relieved of its obligation to dismiss the remaining charges in this case. Upon stipulation of the United States, Count One of the Superseding Indictment has been dismissed. Counts Two and Three of the Superseding Indictment will be heard before Judge Charles R. Breyer on **May 16, 2007, at 2:15 p.m.**, in Courtroom 8, 19th Floor, located at 450 Golden Gate Avenue, San Francisco, California. Defendant is ordered to appear in person before Judge Breyer at that time.

IT IS SO ORDERED.

Dated: May 2, 2007



JOSEPH C. SPERO
United States Magistrate Judge